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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

SURGICAL CAPITAL MANAGEMENT
SPV II, LLC,

Plaintiff,

v.

MCBRIDE SURGICAL CENTER, LLC
Defendant.

CIVIL ACTION NO. 2:21-cv-20501

**JOINT STIPULATION OF
VOLUNTARY DISMISSAL
INCLUDING COUNTERCLAIM
(WITH PREJUDICE)**

COMES NOW, the Plaintiff, SURGICAL CAPITAL MANAGAEMENT SPV II, LLC, and the Defendant, McBRIDE SURGICAL CENTER, LLC, by and through the undersigned attorneys, pursuant to Rule 41(a)(1)(A)(ii), Federal Rules of Civil Procedure, and give notice that in consideration of a negotiated settlement executed by them, that they amicably resolved all claims and counterclaims stated against all parties in the above case, and hereby jointly stipulate to the Dismissal of the above action and Counterclaim **WITH PREJUDICE** and that each party shall bear their own attorney's fees and court costs.

Dated: 1/20/23

BERGER LAW GROUP, P.C.

/s/ Phillip D. Berger

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Dated: 1/20/23

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CERTIFICATION OF SERVICE

I hereby certify that on this date, I electronically filed the within document with the Clerk of Court using the CM/ECF system, which will send notification of such filing to Plaintiff's counsel of record. Transmission of the notice of electronic filing constitutes service of filed document pursuant to L. Civ. P. 5.2(14) (b) (1).

Dated: 1/20/23

BERGER LAW GROUP, P.C.

/s/ *Phillip D. Berger*

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CRAIG E. ROTHBURD, P.A.

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